

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CA #: 05-10558RWZ

Thomas V. McCafferty,  
as father and next friend of  
Brynn S. McCafferty, a minor,  
Plaintiff

vs.

Lowe's Companies Inc., a.k.a.  
Lowe's Home Centers, Inc.  
Defendant

**JOINT STATEMENT**

Pursuant to the Court's Notice of Scheduling Conference and Rule 16.1(D) of the Local Rules of the United States District Court for the District of Massachusetts, counsel for the above named parties have conferred and state as follows:

**1. Joint Discovery Plan and Motion Schedule:**

The parties propose the following pre-trial schedule:

- (a) Automatic document disclosure to be completed on or before October 7, 2005 to the extent that it has not been completed.
- (b) Amendments and/or supplements to the pleadings may be filed by November 7, 2005, subject to the provisions of the Federal Rules of Civil Procedure;
- (c) Written discovery requests are to be filed by December 7, 2005;
- (d) Additional parties to be named by February 7, 2006;
- (e) All depositions are to be completed by March 31, 2006, except for expert witness;
- (f) The plaintiffs' expert witnesses, if any, shall be designated by April 28, 2005 and defendants' expert witnesses shall be designated within 30 days after plaintiff discloses said expert(s) as contemplated by Fed. R. Civ. P. 26(b)(4)(A)(I); designation of experts shall include provision of any information required by the Federal Rules of Civil Procedure and/or the Local Rules of the District of Massachusetts; any expert depositions shall be completed within 30 days of defendants' expert designation;

- (g) All dispositive motions are to be filed by April 28, 2005 and responses are to be filed within the time frame established by Local Rule 7.1(B)(2);
  - (h) A final pre-trial conference will be held per order of the Court.
2. The Plaintiff intends on taking one deposition. Defendant intends on taking no more than four depositions.
  3. Certifications regarding each parties' consultation with counsel regarding budgets and alternative dispute resolution will be filed separately.
  4. Both parties consent to trial by Magistrate.

The plaintiff,  
by his attorney,

/s/ Bradford N. Louison  
Bradford N. Louison (BBO # 305755)  
MERRICK, LOUISON & COSTELLO, LLP  
67 Batterymarch Street  
Boston, MA 02110  
(617) 439-0305

Defendant, Lowe's Home Centers, Inc.,  
by its attorney,

/s/ Thomas C. Federico  
Thomas C. Federico BBO# 160830  
Jacy L. Wilson BBO# 658923  
Morrison Mahoney, LLP  
250 Summer Street  
Boston, MA 02210  
(617) 439-7580

CERTIFICATE OF SERVICE

I, Bradford N. Louison, hereby certify that on the 31<sup>st</sup> day of August, 2005, I served the foregoing electronically and by causing a copy to be mailed, postage prepaid, directed to Thomas C. Federico, Morrison Mahoney, LLP, 250 Summer St., Boston, MA 02210.

/s/ Bradford N. Louison  
Bradford N. Louison